

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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SINCLAIR BROADCAST GROUP, INC.,

Petitioner,

v.

No. 14-1179

FEDERAL COMMUNICATIONS  
COMMISSION and UNITED STATES OF  
AMERICA,Respondents.

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**CONSUMER ELECTRONICS ASSOCIATION'S MOTION FOR LEAVE  
TO INTERVENE IN SUPPORT OF RESPONDENT**

Pursuant to 28 U.S.C. § 2348 and Federal Rule of Appellate Procedure 15(d), the Consumer Electronics Association (CEA) moves for leave to intervene in support of the Federal Communications Commission (FCC or Commission) in the above-captioned proceeding. Counsel for the FCC and the United States have indicated that they do not oppose this motion.

Petitioner seeks review of the Commission's order structuring the upcoming incentive auction of wireless spectrum currently used for broadcast television, which was authorized by the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6402 (2012). *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and

Order, GN Dkt. No 12-268 (rel. June 2, 2014). If successful, Petitioner's appeal will harm CEA and its members in two key ways.

First, Petitioner's theory, if accepted, may well prevent the FCC from making new wireless spectrum available for mobile broadband and other mobile uses. CEA's members develop, manufacture, sell, service, or support consumer electronics that increasingly depend on access to ubiquitous, high-quality mobile wireless connectivity. Consumers' access to electronic goods and services will expand when wireless carriers and unlicensed devices gain access to the low-band spectrum that is the subject of this proceeding because these frequencies have an unparalleled ability to improve coverage in rural areas and provide service deep inside buildings. CEA thus actively participated in the rulemaking proceedings that established rules for the incentive auction as part of its mission to advocate for expanded consumer access to the hundreds of thousands of electronic goods and services that depend upon radio-frequency resources. *See, e.g.*, Comments of the Consumer Electronics Association, GN Docket 12-268 (filed Jan. 25, 2013). But Petitioner's challenge threatens to derail the incentive auction, impeding Congress's efforts to make available the additional spectrum on which myriad devices and applications will rely.

Second, Petitioner's challenge threatens to harm CEA and its members because a decision vacating the challenged rules will force the FCC to delay the

auction while it undertakes a lengthy, complex new rulemaking process. No adequate substitute is available for the spectrum to be auctioned, and delays increasing the availability of unlicensed spectrum and in putting these licenses to work expanding mobile broadband threaten CEA's members' ability to continue bringing innovative products to market. Thus, CEA and its members would be aggrieved by reversal or modification of the Commission's order and are entitled to intervene as of right. *See* 28 U.S.C. § 2348.

For the foregoing reasons, the Court should grant CEA's motion to intervene and, by operation of Circuit Rule 15(b), deem CEA to have intervened in all appeals involving the same FCC order that have been filed and will be filed in this Circuit, including Case No. 14-1154.

Respectfully submitted,

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Dated: September 29, 2014

*Counsel for Consumer Electronics  
Association*

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**PROPOSED INTERVENOR'S CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, the Consumer Electronics Association (CEA) hereby submits this Corporate Disclosure Statement. CEA, a standards and trade association, unites more than 2,000 member companies in efforts to grow the consumer technology industry. CEA has no parent company. No publicly held company has a 10 percent or greater ownership interest in CEA.

Respectfully submitted,

/s/ Catherine E. Stetson  
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**PROPOSED INTERVENOR'S CERTIFICATE AS TO PARTIES**

Pursuant to Circuit Rule 27(a)(4) and Circuit Rule 28(a)(1)(A), the Consumer Electronics Association (CEA) hereby certifies that the Petitioner is Sinclair Broadcast Group, Inc., and the Respondents are the Federal Communications Commission (FCC) and the United States of America.

CEA seeks leave to appear in this matter as an Intervenor in support of the FCC. No *amici* have appeared before this Court.

Respectfully submitted,

/s/ Catherine E. Stetson

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**CERTIFICATE OF SERVICE**

I certify that on September 29, 2014, the foregoing was electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users.

Respectfully submitted,

/s/ Catherine E. Stetson

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